

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

**INITIAL BRIEF OF THE MORGAN, SANGAMON, AND
SCOTT COUNTIES LAND PRESERVATION GROUP**

I. INTRODUCTION

NOW COMES the Morgan, Sangamon, and Scott Counties Land Preservation Group (hereinafter referred to as "MSSCLPG"), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O'Brien of McNamara & Evans, and for its Initial Brief, states as follows:

**II. REQUIREMENTS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY**

This matter comes on now for briefing on the Petition of Ameren Transmission Company of Illinois (hereinafter referred to as "ATXI") for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act. ATXI elected to file its Petition pursuant to 220 ILCS 5/8-406.1, expedited procedure, which provides in relevant part as follows: "The Commission shall issue its decision with findings of fact and conclusions of law granting or denying the application no later than 150 days

after the application is filed.” Based up the foregoing, this matter is bound by certain time constraints. 220 ILCS 5/8-406.1(f) directs that the Commission grant the requested certificate of public convenience and necessity if the following criteria are met:

“(1) That the Project is necessary to provide adequate, reliable, and efficient service to the public utility's customers and is the least-cost means of satisfying the service needs of the public utility's customers or that the Project will promote the development of an effectively competitive electricity market that operates efficiently, is equitable to all customers, and is the least cost means of satisfying those objectives.

(2) That the public utility is capable of efficiently managing and supervising the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision of the construction.

(3) That the public utility is capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.”

III. OVERALL NEED FOR THE PROPOSED FACILITIES

MSSCLPG has no position as to the overall need for the proposed project.

IV. LEAST COST AND THE PROPOSED TRANSMISSION LINE ROUTES

D. Meredosia – Pawnee

1. Length of the Line

Of the viable options presented for routing the segment from Meredosia to Pawnee, the ATXI proposed Primary Route runs 67.7 miles, the ATXI proposed Alternate Route runs 75.6 miles, and the route known as the MSCLTF Alternate Route (following the route of the existing 138 kV line and advocated by MSSCLPG) runs only 57.3 miles. (ICC Staff Exhibit 1.0R, 37:778-779)

2. Difficulty and Cost of Construction

Cost of construction would seem to provide the most overwhelming evidence that the route known as the MSCLTF Alternate Route (following the route of the existing 138 kV line and advocated by MSSCLPG) presents the clear least cost alternative. ATXI's own Exhibit 16.3 provides the cost estimates, estimates which were affirmed by **Commission Staff Witness Greg Rockrohr** during his

testimony at hearing herein on May 13, 2013. The ATXI proposed Alternate Route (also ATXI's Rebuttal Recommended Route) would cost \$144,205,000.00, far and away the costliest of the options presented to the Commission for consideration. To put this in clearer perspective, The ATXI proposed Alternate Route would be \$15.1 million costlier than the ATXI proposed Primary Route, \$16 million costlier than the ATXI proposed Primary Route with the Pearce Modification, and some \$36.78 million costlier than the route known as the MSCLTF Alternate Route (following the route of the existing 138 kV line and advocated by MSSCLPG). In terms of difficulty of construction, consider that the MSCLTF Alternate Route is far and away the shortest of the route options, far and away the least cost option, and would follow an existing right-of-way. Add to that the fact that the proposed Primary Route would require an estimated twenty-eight (28) dead-end structures, the proposed Alternate Route twenty-four (24), and the MSCLTF Alternate Route only fourteen (14).

3. Difficulty and Cost of Operation and Maintenance
Once again, considering the facts that the MSCLTF Alternate Route is far and away the shortest of the routing options and would follow the right-of-way provided by an existing line, it stands to reason that the MSCLTF Alternate Route would present the most ease of access for operation and maintenance. When presented at hearing with various posited drawbacks involved with paralleling the lines, Commission Staff Witness Rockrohr made clear that, from an "engineering standpoint," there is "nothing unsafe or inherently unreliable about having two transmission lines that do not serve the same function or area routed adjacent to each other." (Tr. 236:16-21) Placing the new line along the existing 138 kV right-of-way provides no increased maintenance issues. In response to concern for an event causing both lines to fail simultaneously, Mr. Rockrohr made the point that both lines will not be serving the same area, thus not presenting a critical problem. (Tr. 237) Mr. Rockrohr went on to state that the lines could be constructed in such a manner as to prevent the risk

of one line interfering with the operation of another. (Tr. 238:5-13)

4. Environmental Impacts

As stated in the Direct Testimony of Paul Bergschneider: "The farmland [. . .] in the area of the proposed Alternate Route consists of fields that were drained over a hundred years ago. This drainage was achieved and is maintained via ditches that run along the property lines. The plan to erect power line poles along the property lines would jeopardize the drainage system as it exists, and has existed for over one hundred years. Any obstruction or bypass to the existing drainage system would cause flooding and moisture flux that could very well make profitable farming of the land untenable." (Intervenor MSSCLPG Exhibit 1.0, 4:77-83) Kelly Dodsworth stated in his Direct Testimony: "I purchased this land primarily to enjoy the recreational opportunities afforded by such naturally pristine and intact land, activities such as morel mushroom hunting, fishing, swimming, camping, wildlife observation, and deer, turkey, pheasant, quail, dove, and rabbit hunting. Some of the most beautiful wildlife on my land is that surrounding the pond on the ridge overlooking the Sandy Creek Valley. The proposed Alternate Route would cut directly through this naturally occurring beauty." (Intervenor MSSCLPG Exhibit 3.0, 4:74-79)

5. Impacts on Historical Resources

No evidence has been presented herein as to the impact of either the ATXI proposed Primary Route or the MSCLTF Alternate Route. Kelly Dodsworth provided the following in his Direct Testimony as it relates to the proposed Alternate Route: "[T]he land which is the interest of the Morgan, Sangamon, and Scott Counties Land Preservation Group has been found to be quite archaeologically significant. Pottery shards and a Hopewell Indian burial mound have, in fact, been found directly in the path of the proposed Alternate Route. The land itself has been the focus of documentation by the Illinois State Archaeological Survey (Ken Farnsworth, Senior Research Editor). The proposed Alternate Route would be a clear disruption of archaeologically significant land." (Intervenor

6. Social and Land Use Impacts

Again, as was the case with cost of operation and maintenance, it stands to reason that a shorter and moreover *existing* right-of-way presents the least impact in terms of social and land use factors. The new line, if constructed along the MSCLTF Alternate Route, would follow a route already in use for much the same purpose, thus causing little discernible increase to any social and land use characteristics of the land. Any of the other routing options, if selected, would necessitate construction through previously unfettered land, and would cause all of the social and land use tumult that comes with the construction of a new right-of-way to all of the affected landowners and residents along and upon its path.

7. Number of Affected Landowners and other Stakeholders and Proximity to Homes and other Structures

No concrete estimates have been produced in this regard as to the MSCLTF Alternate Route, but again it stands to reason that construction along an existing right-of-way would have little lasting additional impact to the landowners and other stakeholders residing along and upon the existing route. Analysis was presented by Paul Bergschneider in his Direct Testimony as to a comparison of impact figures presented by ATXI between the proposed Primary and Alternate Routes. Mr. Bergschneider summarized his analysis as follows: "I would also offer the following (from ATXI Exhibit 4.5 pages 1-4): The Alternate Route affects one cemetery, versus none on the Primary Route. The Alternate Route affects two schools, versus none on the Primary Route. The Alternate Route affects five archaeological sites, versus two on the Primary Route. The Alternate Route would affect 208 more acres of prime farmland and 323.1 more total cropland acres when compared to the Primary Route. The Alternate Route would affect fifty-four more streams and ten more lakes than the Primary Route. The Alternate Route would affect thirty-nine houses versus thirty-one on the

Primary Route. The houses on the Alternate Route are also closer on average to the lines than those on the Primary Route. In the 0-300 feet distance from the anticipated alignment, the Alternate Route affects twenty homes versus only twelve on the Primary Route. The Alternate Route also affects fifty-four more non-residential structures than the Primary Route.” (Intervenor MSSCLPG Exhibit 1.0, 7:148-8:159)

8. Proximity to Existing and Planned Development

The property which is the interest of the MSSCLPG would be greatly impacted by any construction of a 345 kV line which traverses the property in question. Such impact has been presented in great detail in the Direct and Rebuttal Testimony offered by MSSCLPG herein. FutureGen Industrial Alliance also has plans to construct a transmission line and storage area in the vicinity of the proposed Project as it crosses the Meredosia - Pawnee segment. FutureGen Industrial Alliance, in responding to a discovery request posed by the MSSCLPG, stated the following: “Based on consultations with relevant experts working on the FutureGen 2.0 project, on whose opinions [FutureGen Witness Kenneth K.] Humphreys relies, the following represents the consensus opinion of the Alliance: Based on a preliminary analysis, the ‘second alternative,’ i.e., a route following the existing 138 kV line from Meredosia to Pawnee, Illinois, as proposed by the Morgan and Sangamon County Landowners and Tenant Farmers in their Supplemental Identification of Alternate Route, filed on January 3, 2013, would substantially resolve the FutureGen Alliance’s concerns presented by the Primary Route proposed by ATXI in its application.” (Intervenor MSSCLPG Cross Exhibit 1)

9. Community Acceptance

Community acceptance for the existing 138 kV right-of-way is already in place. Selection of any routing option other than the MSCLTF Alternate Route has been and will be met with outcry from

the potentially affected community.

10. Visual Impact

Again, adding the new line to the existing 138 kV line along the same path, the same right-of-way, and in a parallel fashion will have the least impact to the aesthetics of the affected area. New construction for a new line along a new route where no existing corridor exists will, by its very nature, change the landscape of the affected area.

11. Presence of Existing Corridors

The MSCLTF Alternate Route is the only routing option now before the Commission for the segment from Meredosia to Pawnee which utilizes an existing corridor, that created by the existing 138 kV right-of-way.

V. MANAGING AND SUPERVISING THE CONSTRUCTION PROCESS

MSSCLPG has no particular position at this time as to management and supervision of the construction process for the proposed project.

VI. FINANCING THE PROPOSED CONSTRUCTION

MSSCLPG has no particular position at this time as to financing the construction for the proposed project.

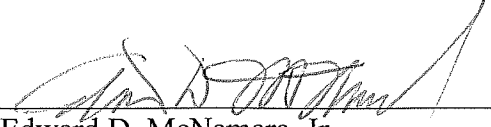
VII. OTHER

MSSCLPG would submit, for the foregoing reasons and based on an overwhelming preponderance of the evidence presented in this matter as it relates to the requirements set forth in 220 ILCS 5/8-

406.1(f), that the clear least cost choice of routing options presented for the segment of the Project from Meredosia to Pawnee would be the MSCLTF Alternate Route (paralleling the existing 138 kV line). The second choice would be the ATXI proposed Primary Route (with modification presented by the Pearce Alternate Route). Of the routing options presented to the Commission for consideration for the segment of the Project from Meredosia to Pawnee, the fourth best (worst) option clearly would be the ATXI proposed Alternate Route. Commission Staff Witness Greg Rockrohr presented testimony in this matter and appeared for cross examination at hearing. Mr. Rockrohr has no vested interest nor any possible conflict of interest and truly stands as the only disinterested or objective witness whose testimony is now before the Commission. Mr. Rockrohr, after examination, analysis, and visit to the various route proposals, and testifying from his expertise as Senior Electrical Engineer within the Energy Engineering Program of the Safety and Reliability Division of the Illinois Commerce Commission, summarized his findings as follows: "After reviewing the various route proposals, it appears to me that constructing this segment parallel to the existing 138 kV line [. . .] would result in by far the shortest and lowest cost route. [. . .] ATXI's cost estimate provided in ATXI Ex. 7.4 indicates that constructing the line along ATXI's alternate route would be \$15 million more costly than constructing it along ATXI's primary route. Should ATXI provide compelling evidence in its rebuttal testimony that it cannot construct this segment along the route [parallel to the existing 138 kV line], or that construction on that route would be more costly than other options, then it is my opinion that ATXI's primary route, as modified by Pearces' first alternative [Intervenor Gregory and Theresa Pearce's Primary Alternate Route, filed herein on January 3, 2013] would be the next most logical route." (ICC Staff Exhibit 1.0R, 36:765-775) No such compelling evidence was provided by ATXI in either its rebuttal testimony or its witnesses'

appearances for cross examination at hearing.

**Respectfully Submitted,
Morgan, Sangamon, and Scott Counties
Land Preservation Group,
By and through its attorneys,**




Edward D. McNamara, Jr.
Joseph H. O'Brien

VERIFICATION

STATE OF ILLINOIS }
 } SS
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute this Initial Brief; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

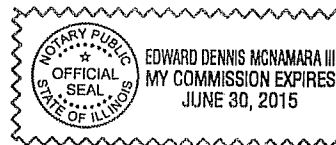
Subscribed and Sworn to before me
this 3rd day of June, 2013.



Edward D. McNamara, Jr.

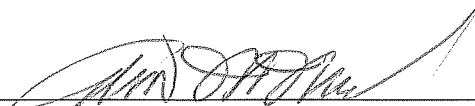


Notary Public



CERTIFICATE OF SERVICE

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Initial Brief on the individuals shown on the attached Service List, via electronic mail, on June 3, 2013.



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